

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

RANDY RASKA,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:09-cv-147
)	
BOB EVANS FARMS, INC.,)	
)	
Defendant.)	

DEFENDANT BOB EVANS FARMS, INC.'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW Defendant Bob Evans Farms, Inc., by counsel Scott Bilse, and, pursuant to Rule 56 of the Federal Rules of Civil Procedure, respectfully moves this Court for Summary Judgment on all of Plaintiff Randy Raska's claims. The grounds for this Motion are that Defendant owed no duty to protect or warn Plaintiff of an open and obvious condition on Defendant's business premises, and that Plaintiff was contributorily negligent as a matter of law for failing to avoid the condition. In support of this Motion, Defendant hereby incorporates its Memorandum in Support and the following exhibits, attached hereto:

EXHIBIT A: Deposition of Randy Raska, dated August 19, 2010

EXHIBIT B: Plaintiff's Answers to Interrogatories

EXHIBIT C: Authenticated Medical Records of Saint Anthony Memorial Hospital

EXHIBIT D: Independent Medical Examination Report of Dr. Nicole F. Einhorn, dated September 16, 2010

EXHIBIT E: Deposition of Kay Wilson, dated August 18, 2010

EXHIBIT F: Deposition of Tammy Raska, dated August 18, 2010

EXHIBIT G: Deposition of Willie Hicks, dated August 18, 2010

EXHIBIT H: Deposition of Scott Moore, dated August 24, 2010

EXHIBIT I: Deposition of Kenneth Pepper, dated August 18, 2010

EXHIBIT J: Deposition of Mary Bragg, dated August 19, 2010

WHEREFORE, Defendant Bob Evans Farms, Inc., respectfully moves this Court for summary judgment on all of Plaintiff's claims.

Respectfully submitted,

ABRAHAMSON, REED & BILSE

By: /s/ Scott R. Bilse
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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

None,

and I hereby certify that I have mailed by U.S. mail, postage pre-paid, the document to the following non-CM/ECF participants:

Randy Raska
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Michigan City, Indiana 46360

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_____/s/ Scott R. Bilse
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